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# A BILL FOR AN ACT

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the Hawaii community  
2 development authority was established to help determine  
3 community development programs; cooperate with private and other  
4 government agencies to implement those community development  
5 plans; and increase affordable housing, parks, and public  
6 facilities in certain districts. Pursuant to chapter 206E,  
7 Hawaii Revised Statutes, the authority is authorized to sell  
8 certain state-controlled real property. However, under chapter  
9 171, Hawaii Revised Statutes, the sale of public lands requires  
10 the prior approval of the legislature by concurrent resolution  
11 after a sale proposal is made and reviewed.

12           The legislature also finds that under certain circumstances  
13 the authority may find it profitable or beneficial to expedite a  
14 real property transaction. Such situations have arisen and may  
15 arise in the future in the Kakaako community development  
16 district. In anticipation of these opportunities, the  
17 legislature finds the need to be informed of the costs and  
18 benefits of selling or purchasing various properties located in

1 the Kakaako community development district in order to make  
2 decisions regarding the approval of the sale of these public  
3 lands.

4 The purpose of this Act is to increase efficiency in the  
5 operations of the Hawaii community development authority by:

6 (1) Limiting the prohibition on the sale or assignment of  
7 the fee simple interest of certain lands in the  
8 Kakaako community development district to the makai  
9 lands in that district;

10 (2) Requiring the authority to issue a finding that the  
11 sale or assignment of lands other than for specified  
12 purposes is consistent with any applicable community  
13 development plan; and

14 (3) Requiring the authority to determine the costs and  
15 benefits of selling and purchasing certain properties,  
16 except makai lands, within the Kakaako community  
17 development district.

18 SECTION 2. Section 206E-31.5, Hawaii Revised Statutes, is  
19 amended to read as follows:

20 "[+]§206E-31.5[+] **Prohibitions.** Anything contained in  
21 this chapter to the contrary notwithstanding, the authority is  
22 prohibited from:



1 (1) Selling or otherwise assigning the fee simple interest  
2 in any makai lands in the Kakaako community  
3 development district to which the authority in its  
4 corporate capacity holds title, except with respect  
5 to:

- 6 (A) Utility easements;
- 7 (B) Remnants as defined in section 171-52;
- 8 (C) Grants to any state or county department or  
9 agency; or
- 10 (D) Private entities for purposes of any easement,  
11 roadway, or infrastructure improvements; [~~or~~]  
12 provided that the authority shall issue a finding  
13 based on available evidence that a sale or assignment  
14 of lands other than for the purposes specified in this  
15 paragraph is consistent with any applicable community  
16 development plan; or

17 (2) Approving any plan or proposal for any residential  
18 development in that portion of the Kakaako community  
19 development district makai of Ala Moana boulevard and  
20 between Kewalo basin and the foreign trade zone."

21 SECTION 3. The Hawaii community development authority  
22 shall determine the costs and benefits of selling and purchasing



1 certain properties, excluding makai lands, within the Kakaako  
2 community development district. The Hawaii community  
3 development authority shall submit a report to the legislature,  
4 including its findings, recommendations, and any proposed  
5 legislation, no later than October 1, 2013.

6 SECTION 4. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 5. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on July 1, 2020.



**Report Title:**

Hawaii Community Development Authority; Kakaako

**Description:**

Limits the prohibition on the sale of Kakaako community development district lands to Kakaako makai lands and requires specified findings for allowable sales. Requires HCDA to perform a cost-benefit analysis of certain allowable real property sales in Kakaako. Effective July 1, 2020. (HB476 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

